Order

Michigan Supreme Court Lansing, Michigan

December 27, 2005

128954

MICHAEL J. VALENCIC, Plaintiff-Appellee, Clifford W. Taylor, Chief Justice

Michael F. Cavanagh Elizabeth A. Weaver Marilyn Kelly Maura D. Corrigan Robert P. Young, Jr. Stephen J. Markman, Justices

v SC: 128954 COA: 259469 WCAC: 03-000446

TPM, INC., ACCIDENT FUND INSURANCE COMPANY OF AMERICA, and BLUE CROSS BLUE SHIELD OF MICHIGAN, Defendants-Appellees,

and

K-MART CORPORATION,

Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 13, 2005 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

TANSING .

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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 27, 2005

Clerk